

NOTICES OF SUBSTANTIVE POLICY STATEMENTS

The Administrative Procedure Act requires the publication of substantive policy statements issued by agencies (A.R.S. § 41-1013(B)(14)). Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice. Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that a substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF AGRICULTURE

[M13-342]

1. Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:

SP 13-03: Cotton Tillage Deadlines

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issue Date: November 8, 2013

3. Summary of the contents of the substantive policy statement:

On November 5, 2013, a final rulemaking amending A.A.C. R3-4-204 (rule 204) was approved by the Governor's Regulatory Review Council and subsequently filed with the Secretary of State. The amendments to this rule include changes to the cotton tillage deadlines. In particular, it changes the tillage deadline for cotton producers in Zone A from December 15 to January 15, in Zone C from January 15 to February 15, and in Zone E from January 31 to February 15. Pursuant to A.R.S. § 41-1032(A), the amended rule is effective January 4, 2014.

The effective date of amended rule 204 will occur before the former tillage deadlines for Zones C and E. Therefore, producers in Zones C and E have certainty under the rule that their tillage deadlines for the current season will be February 15. The effect of the amended rule on producers in Zone A, however, is less clear. Without clarification of the deadline, producers in Zone A who plow down by January 15 but not by December 15 may believe that they could be out-of-compliance from December 16 through January 3, only to be fully compliant when the new rule becomes effective on January 4. The purpose of this policy is to address this uncertainty.

The Department will enforce the tillage deadline in rule 204(E) for Zone A for the current season according to the newly amended deadline—January 15. This policy is consistent with the treatment for producers in all the other Zones.

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

R3-4-204

5. A statement as to whether the substantive policy statement is a new statement or a revision:

New

6. The agency contact person who can answer questions about the substantive policy statement:

Name: Brian McGrew
Address: 1688 W. Adams
Phoenix, AZ 85007
Telephone: (602) 542-0962
E-mail: bmcgrew@azda.gov

7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

A person may obtain a copy of the substantive policy statement from the person listed in item 6 or from the Department's website at <http://www.azda.gov/mastercontent/policystatements.aspx>. The policy statement is free, though the Department may charge for any applicable postage.